

MEMO ENDORSED

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Via ECF & e-mail

March 20, 2020

Hon. Nelson S. Roman
United States District Court
300 Quarropas Street
White Plains, New York 10601

Re: USA v. Nachman Helbrans, et al (Matityau Moshe Malka); 19 CR 497 (NSR) - 05

Dear Judge Roman:

I represent Matityau Moshe Malka as court appointed CJA counsel in the above matter. I have been his attorney since my appointment on March 26, 2019. I am writing to alert the Court to an issue that came up in meetings and phone conferences I had with Mr. Malka this month, most recently confirmed in a 6 page letter that I received from my client on March 13, 2020. Mr. Malka also indicated that he mailed this letter directly to the Court.

Mr. Malka is not seeking new counsel. Essentially he expresses a fundamental disagreement with me in the manner he wishes to defend the charges he is facing and a desire to proceed Pro Se. I candidly discussed with Mr. Malka the complex legal and factual issues in this case, the type of motions and defenses that may be appropriate and the viability of any defenses he intended to pursue, as well as the risks of self-representation. I can honestly say that we have not been able to come to a meeting of the minds, despite my best efforts to pursue zealous representation within the bounds of law, and irreconcilable differences remain, as he has expressly directed me not to file motions that have been prepared. I also believe that Mr. Malka's desire for Pro Se status to fully control his defense is genuine and has been made only after serious reflection on his part.

That being said, I am requesting that the Court schedule a conference and if necessary a hearing in accordance with Faretta v. California, 422 U.S. 806 (1975) to adjudicate Mr. Malka's request under the sixth amendment to waive counsel and proceed Pro Se.

Respectfully submitted,
/S/ Joseph A. Vita

Joseph A. Vita

cc: via ECF AUSA Sam Adelsberg; AUSA Jamie Bagliebter & all counsel

Faretta Hearing is scheduled for April 28, 2020 at 10:30am. Clerk of the Court requested to terminate the motion (doc. 77). Dated: March 20, 2020

SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

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